

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOB DAWSON, *et al.*;

Plaintiffs,

v.

PORCH.COM INC., *et al.*,

Defendants.

CASE NO. 2:20-cv-00604-RSL

STIPULATED MOTION TO
CONSOLIDATE AND EXTEND TIME
TO FILE SECOND AMENDED
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), 10(g), and FRCP 42, Plaintiffs and Defendants submit this stipulated motion to (i) consolidate *Chennette v. Porch.com* Case No. 2:23-cv-00740 with this matter, (i) for an extension of time for Plaintiffs to file the Second Amended Complaint, which will consolidate all claims in one matter, and (iii) for an extension of time for Defendants to respond to the Second Amended Complaint. In support thereof, the parties state as follows:

1. This matter was originally filed on April 22, 2020. Dkt. # 1.
2. Ten other cases involving identical claims against Defendants were consolidated into this matter on November 25, 2020. Dkt. # 36.
3. There was one other case against Defendants in the federal district of Idaho, *Chennette v. Porch.com 1:20-cv-00201*, that was not consolidated because it had been dismissed.
4. *Chennette* went on appeal to the Ninth Circuit and this matter was stayed until *Chennette* was resolved. Dkt. # 84.

5. After the Ninth Circuit ruled in *Chennette*, Plaintiffs moved on March 23, 2023, for leave to file a Second Amended Complaint. Dkt. # 96.

6. This Court granted in part and denied in part the motion for leave to amend and provided Plaintiffs until June 26, 2023, to file a Second Amended Complaint. Dkt. # 103.

7. During the pendency of the motion for leave to amend, counsel for Plaintiffs and Defendants transferred the *Chennette* matter from the Idaho District Court to the Western District of Washington, and on June 15, 2023, Judge Lasnik was assigned to the case. *Chennette et al v. Porch.com et al*, 2:23-cv-00740.

8. Counsel for Plaintiffs and Defendants are the same in all these matters.

9. The parties desire that the matters be consolidated and that Plaintiffs file the Second Amended Complaint as permitted by the Court on or before July 26, 2023 to also include the *Chennette* plaintiffs and their claims. For each count, Plaintiffs shall attach a list identifying each individual Plaintiff asserting that count.

10. The parties further agree to and seek an order continuing the deadline for Defendants to file their response to the Second Amended Complaint until September 25, 2023. WHEREFORE, the Parties respectfully request that this stipulated motion be granted and that: (i) the Court consolidate *Chennette v. Porch.com* Case No. 2:23-cv-00740 with this matter; (ii) Plaintiffs be granted an extension of thirty days until July 26, 2023 to add the *Chennette* Plaintiffs' and their claims into the Second Amendment Complaint¹; and (iii) Defendants be granted an extension of sixty days until September 25, 2023 to respond to the Second Amended Complaint.

¹ The Second Amended Complaint will be that which Plaintiffs proposed at Dkt. # 96-1, but with the following changes: (i) The ATDS allegations will only contain the allegations from the First Amended Complaint, (ii) In section 'V. Statement of Individualized Facts and Claims' a new paragraph will be added for each new Plaintiff from *Chennette*, and (iii) The complaint will be updated anywhere a number has changed because of the addition of the *Chennette* Plaintiffs, e.g. the total number of Plaintiffs with a certain claim, the total damages, etc.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD on this 26th day of June,
2 2023. The undersigned counsel certify that this stipulated motion contains 554 words, in
3 compliance with the Local Civil Rules.

4 ***Presented by:***

5
6 By s/ Mitchell West

7 Mitchell West, WSBA #53103
8 **Lowe Graham Jones**
9 1325 Fourth Avenue, Ste. 1130
Seattle, WA 98101
Phone: (206) 957-2472
west@lowegrahamjones.com

10 **LawHQ, PC**

11 James Wertheim (PHV)
12 299 S. Main St. #1300
Salt Lake City, UT 84111
13 299 S. Main St. #1300
Salt Lake City, UT 84111
14 Phone: (385) 285-1090
jim@lawhq.com

15 ***Attorneys for Plaintiffs***

By s/ Patricia Eakes

By s/ Matthew Carvalho

Patricia A. Eakes, WSBA# 18888
Matthew Carvalho, WSBA# 31201
Morgan Lewis
1301 Second Avenue, Suite 2800
Seattle, WA 98101
Phone: (206) 274-6400
Fax: (206) 274-6401
Email: patty.eakes@morganlewis.com
matthew.carvalho@morganlewis.com

MANATT, PHELPS & PHILLIPS, LLP
Christine M. Reilly (PHV)
2049 Century Park East, Suite 1700
Los Angeles, CA 90067
(310) 312-4000
creilly@manatt.com

Attorneys for Defendants

ORDER

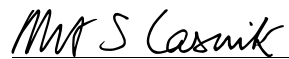
The Parties' Stipulated Motion is GRANTED. It is so ORDERED:

Chennette v. Porch.com shall be consolidated with this matter.

Plaintiffs shall have an additional thirty days to file their Second Amended Complaint until July 26, 2023 and shall include the *Chennette* Plaintiffs' claims in the amended pleading.

Defendants shall file their response to the Second Amended Complaint on or before September 25, 2023.

Dated this 27th day of June, 2023.



ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE